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October 1, 2004

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
The Portals, 445 12th Street, S. W.
Room TW-A325
Washington, D.C. 20554

**Re: Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers, CC Docket No. 04-313, Unbundled Access to Network Elements; CC Docket No. 01-338, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; CC Docket No. 96-98, Implementation of Local Competition of the Telecommunications Act of 1996; CC Docket No. 98-147, Deployment of Wireline Services Offering Advanced Telecommunications Capability, – *Ex parte***

Dear Ms. Dortch:

As requested by the staff during the *ex parte* visit made on August 18,[1] with this filing BellSouth provides maps and data to illustrate the extent to which CLECs have employed alternative fiber optic facilities (including fiber directly connecting to end-user premises) in BellSouth's service territories.[2]

There is extensive and pervasive deployment of non-ILEC high capacity loop and transport facilities in the BellSouth region which consists of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

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1 Letter from Glenn T. Reynolds, Vice President-Federal Regulatory, BellSouth Corporation to Marlene H. Dortch, Secretary, FCC, CC Docket No. 01-338 (August 18, 2004).

2 BellSouth continues to gather data pertinent to CLEC use of alternative high-capacity facilities to serve end-users, as well as data pertinent to competitive mass market switching, and will file this data together with its proposed test for determining impairment in this proceeding on October 4.

CLECs are using their own high capacity loop and transport facilities, alone and in combination with alternative facilities provided by other CLECs. In addition, CLECs purchase BellSouth-provided (and other ILEC-provided) special access services to successfully provide high capacity services to end-users. Consistent with the data filings submitted by SBC[3] and Verizon,[4] BellSouth has verified that CLECs have deployed many alternative fiber optic facilities in markets across the BellSouth region, especially in relatively concentrated, high-demand, major metropolitan areas. Using these facilities, CLECs can and do provide high capacity services (including DS-1, DS-3 and other high capacity services) to end users in direct competition with BellSouth's access services. These CLEC-deployed facilities typically extend into CLEC collocation arrangements, and connect end user locations directly to competitive switches and competing carrier points-of-presence ("POPs").

BellSouth used information from two independent telecommunications consultants to provide data consistent with the earlier filings by SBC and Verizon.[5] BellSouth presents maps showing both CLEC fiber routes as well as lit buildings for the 19 Metropolitan Statistical Areas (MSAs) in BellSouth's region which have the largest concentration of central offices which generate approximately 80% of BellSouth's special access revenue. These MSAs range from the sixth largest MSA in the nation based on population, Miami-Ft. Lauderdale, Florida, to the 134th largest MSA, Huntsville, Alabama.

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[3] Letter from Christopher M. Heimann, General Attorney, SBC Telecommunications, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket Nos. 01-338, 96-98 & 98-147 (filed Aug. 18, 2004) ("SBC Aug. 18 Letter).

[4] Letter from Joseph Mulieri, Vice President, Federal Regulatory Advocacy, Verizon, to Marlene H. Dortch, Secretary, FCC, RM No. 10593, and accompanying materials (filed July 13, 2004).

[5] Like SBC, BellSouth obtained data from GeoTel, a telecommunications research and geographic information systems mapping firm, and GeoResults, a database marketing and consulting firm that has developed a national database that identifies over 80,000 fiber "lit" buildings across the United States. *See* SBC Aug. 18 Letter at 3-4 for a description of the underlying data, analysis and methodologies sourced by both companies. However, BellSouth removed competitively lit buildings in which BellSouth appears to be the underlying wholesale provider of the fiber facilities to the building from the GeoResults database. BellSouth also used internal billing records to identify CLEC purchases of DS1 special access services. These records contain the address of the customer that is being served by the CLEC using special access services. These records were screened to remove services where the end user customer was listed as the requesting CLEC; services provided to carriers other than CLECs (including wireless carriers); collocation arrangements; and telecommunications equipment. The attached maps were created using data from these three sources.

**Map Descriptions**

The maps attached hereto identify, for each MSA, where CLECs have deployed or are using alternatives to UNEs to provide competitive high-capacity services to end-users. For each MSA there are eight maps[6]: the first displays, as background, select political boundaries, the MSA boundary, BellSouth's service areas as well as those areas within the MSA that are not served by BellSouth, and the key, cities, towns and communities within the BellSouth service areas. Within this context, all known CLEC fiber optic routes are displayed. The second map provides a more detailed view of the same information for the downtown portion of the MSA.

The third map for each MSA depicts, in the same background context, the wire centers in which CLECs provide high-capacity telecommunications services using non-BellSouth provided facilities. The fourth map again provides a more detailed view of the same information for the downtown area of the MSA.

The fifth map depicts for each MSA the wire centers from which CLECs are providing high-capacity services using BellSouth special access services segregated by the percentage of BellSouth's special access revenues. BellSouth wire centers which generate greater than 80% of BellSouth's special access revenues are distinguished from those which generate less than 80% of BellSouth's special access revenues. Again, the sixth map shows downtown area detail.

The seventh map shows, in the same geo-political and service area context, both known CLEC lit buildings served by non-BellSouth facilities and known CLEC lit buildings served by BellSouth's special access services. Finally, the eighth map again provides downtown area detail.

These 156 maps, as with the data provided by SBC and Verizon, provide a conservative representation of the availability of alternatives to ILEC high-capacity UNEs. Given the sensitive and competitive nature of the data, BellSouth does not believe it is able to identify all competitively deployed fiber optic cable on its own. In addition to traditional telephone company technologies, of course, high capacity transport and loop services and facilities provided by alternative technologies, such as fixed wireless, as well as cable telecommunications and video service providers, are not depicted.[7]

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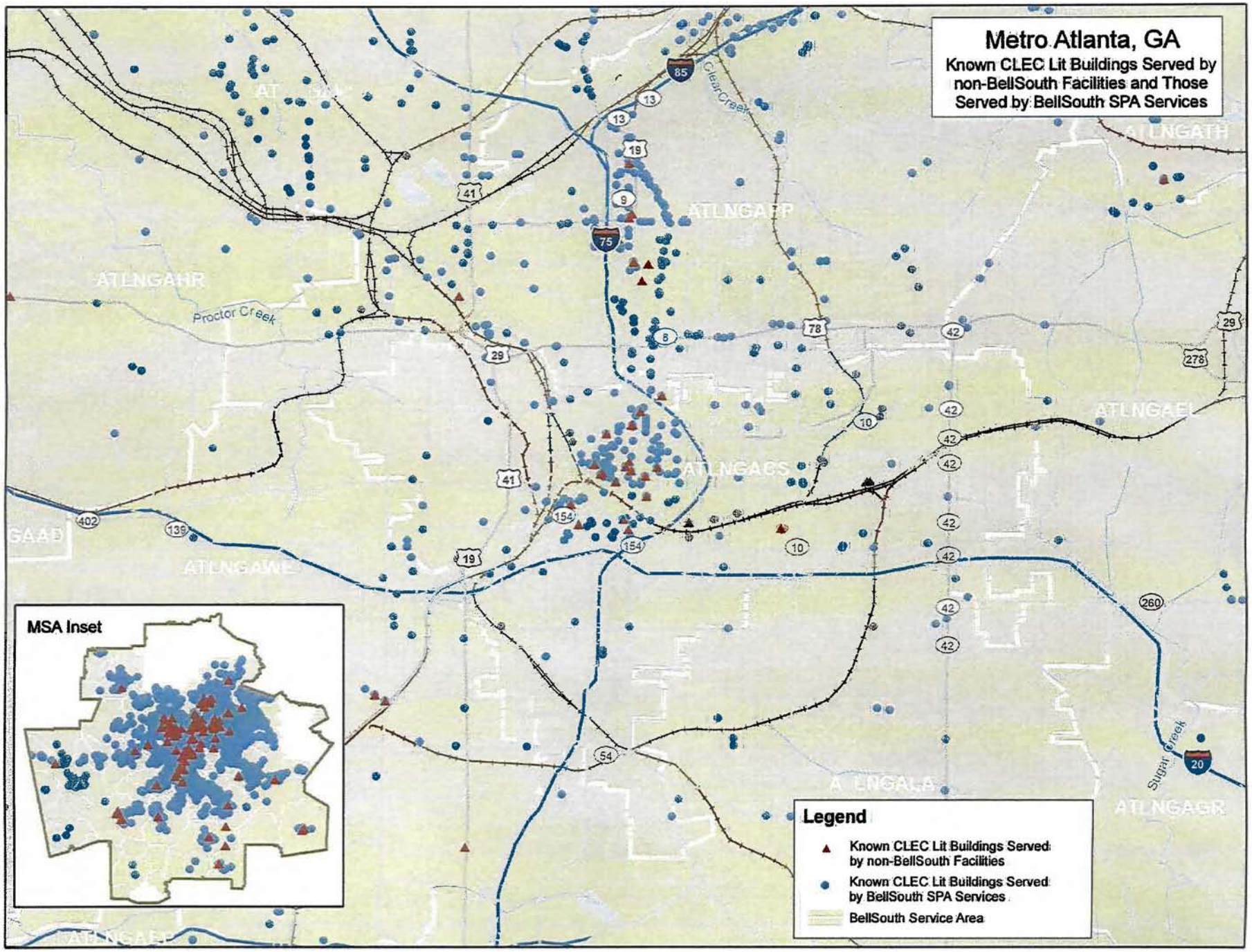
[6] For the Miami-Fort Lauderdale-Miami Beach, Fl. MSA there are 12 maps as detailed maps for both downtown Miami and Fort Lauderdale are provided

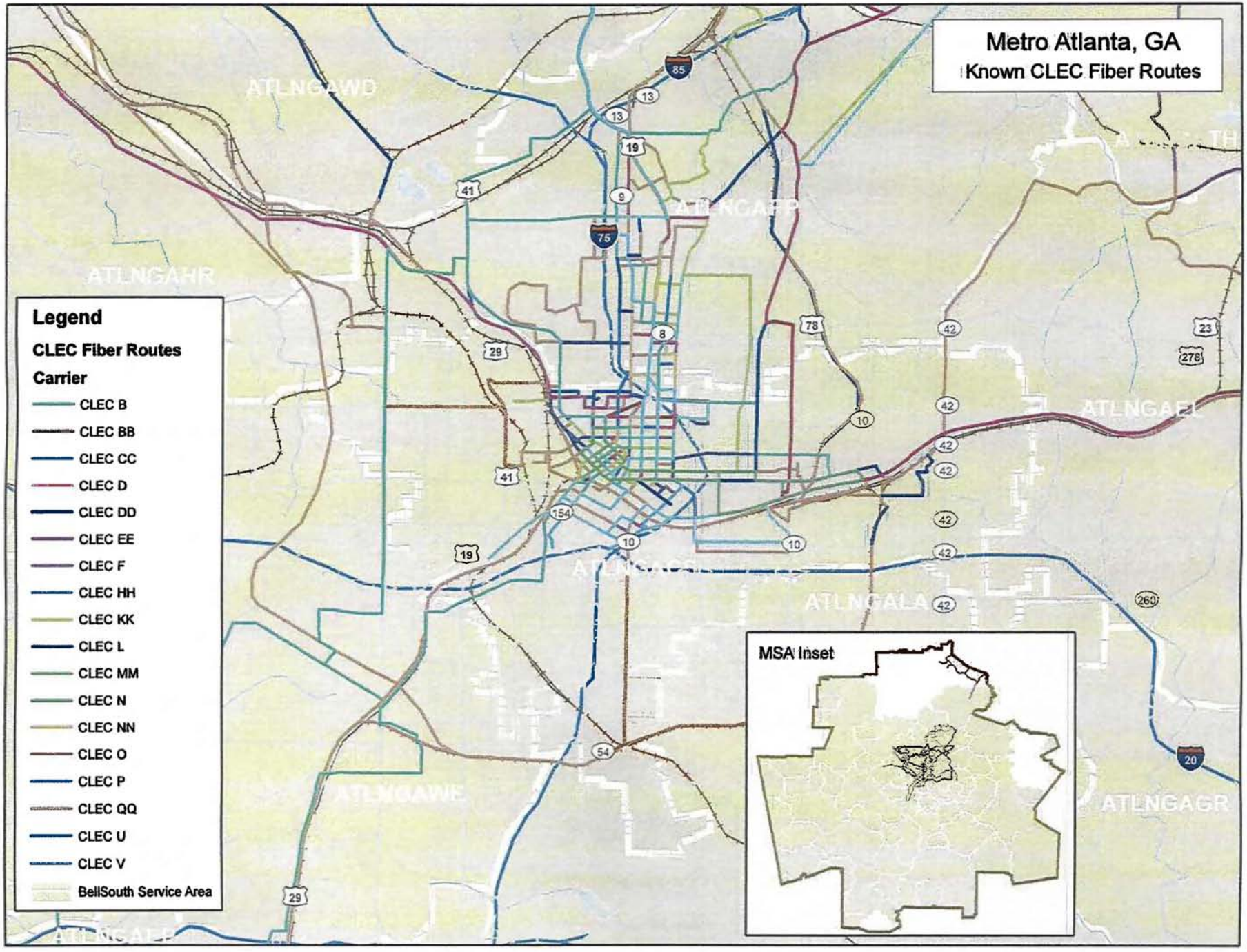
[7] BellSouth's own experience confirms SBC's statement that, "[d]iscovery responses from competitive providers in the now-terminated state Triennial Review proceedings confirmed that other competitive fiber and lit buildings exist," but, as with SBC, BellSouth did not use this information in the preparation of the maps submitted here. *See* SBC Aug. 18 Letter at 4. To the extent the Commission is not persuaded by this data alone, it should require CLECs to provide information within their possession about, *inter alia*, exactly where they have deployed facilities, their policies for extending facilities to new locations, and where they serve customers using incumbent LEC special access services.

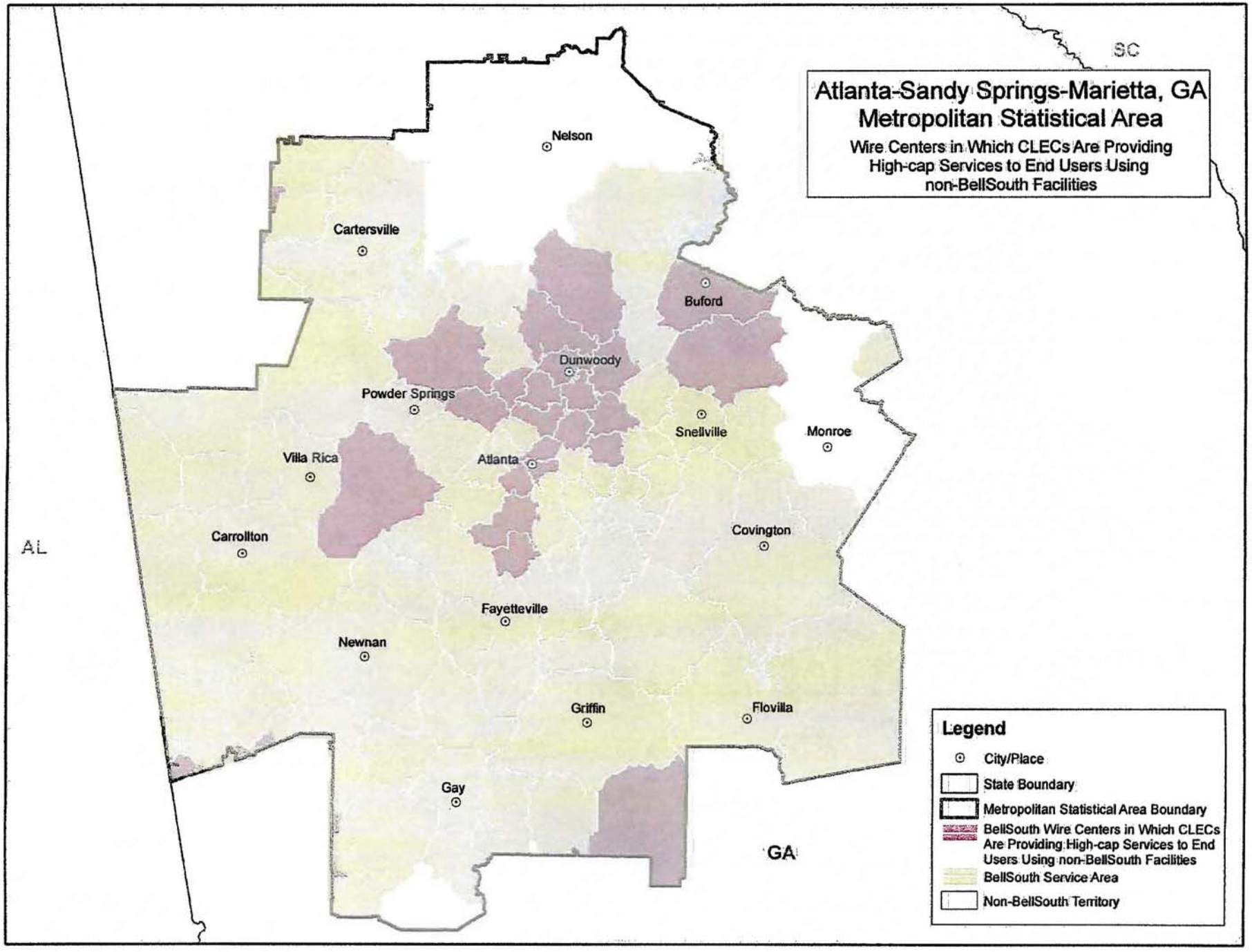
In summary, as discussed above and as demonstrated in the accompanying and maps, there is extensive competition within the BellSouth region for high capacity facilities. If you have any questions concerning the foregoing, or the attached maps, please contact me.

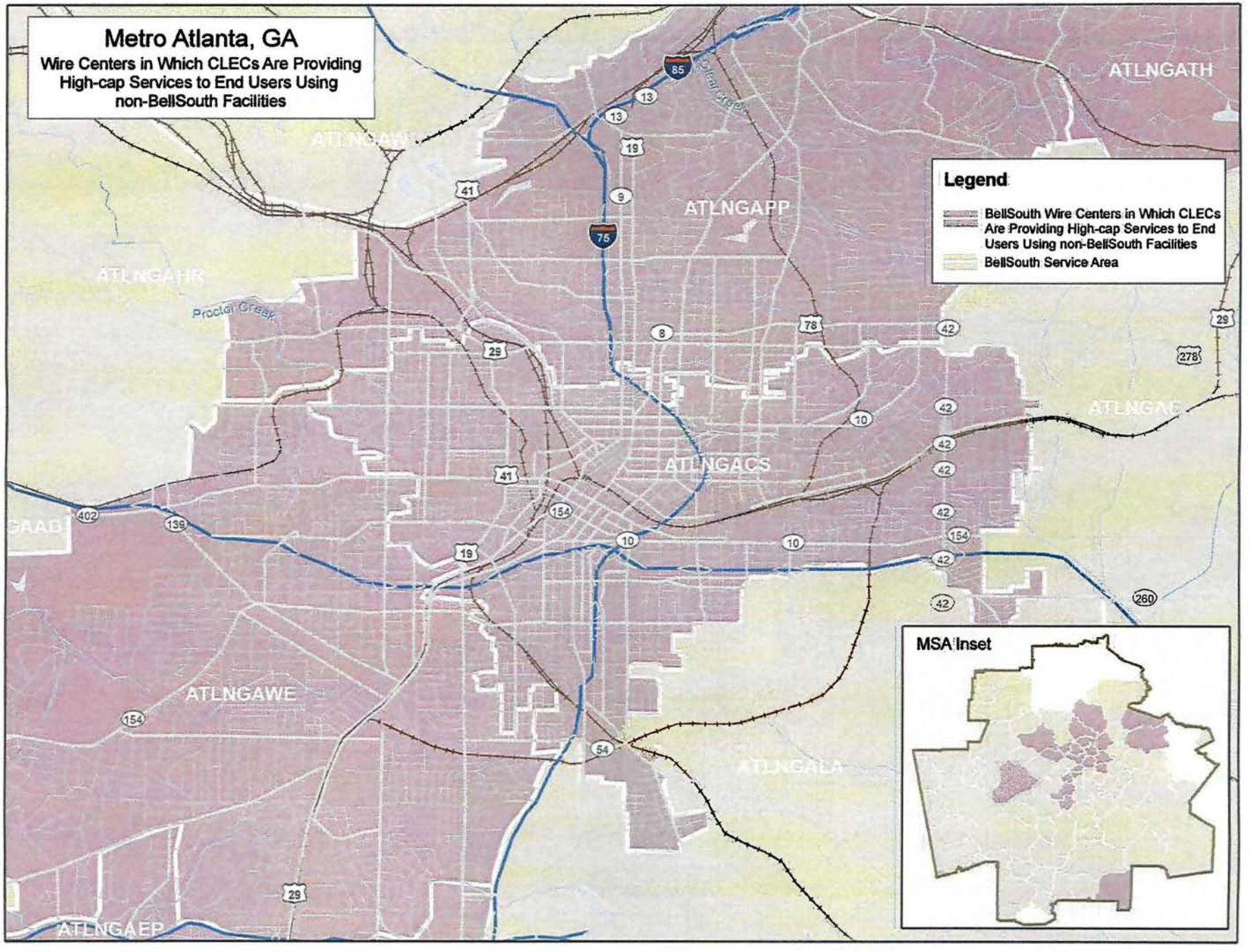
Sincerely,

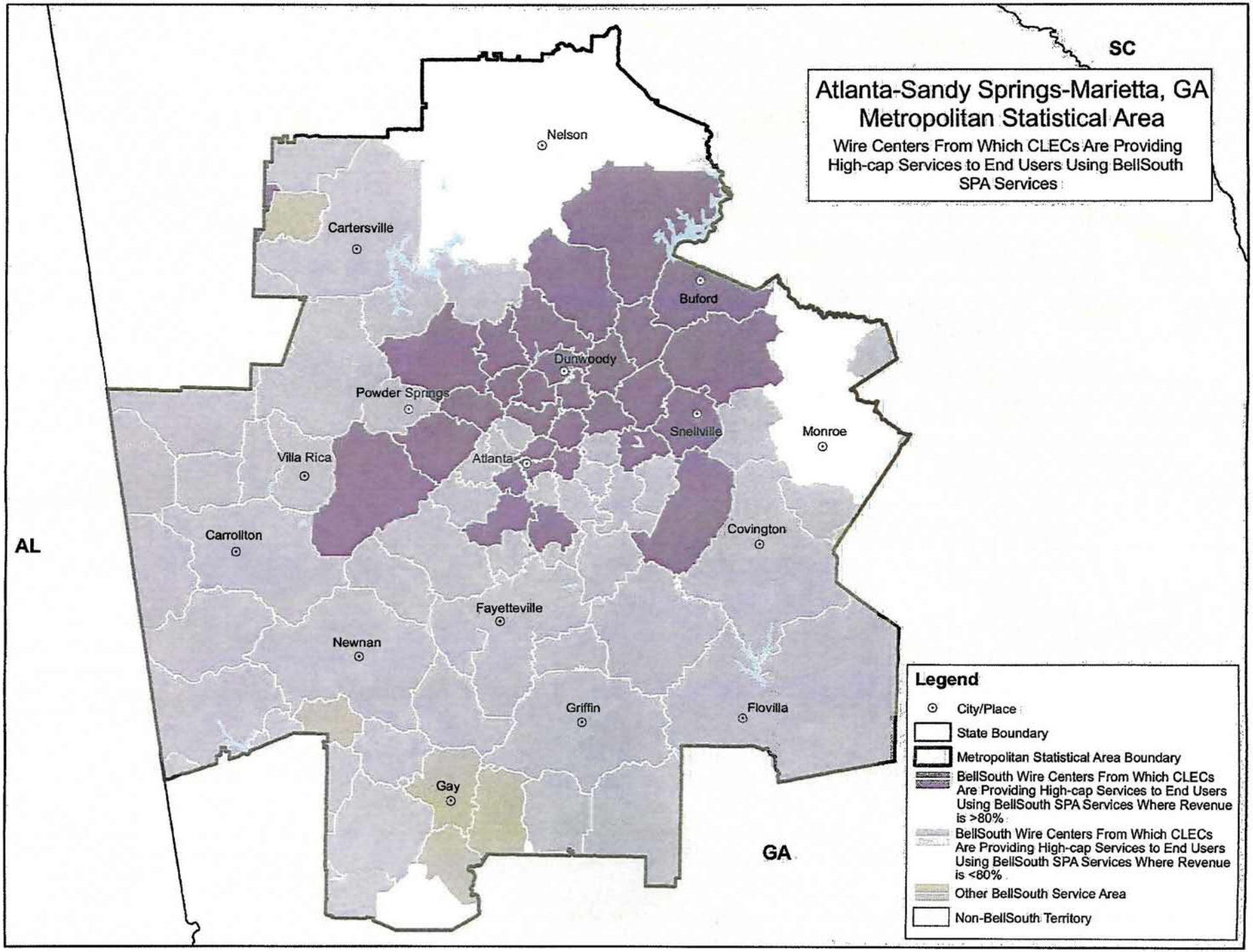
Glenn T. Reynolds

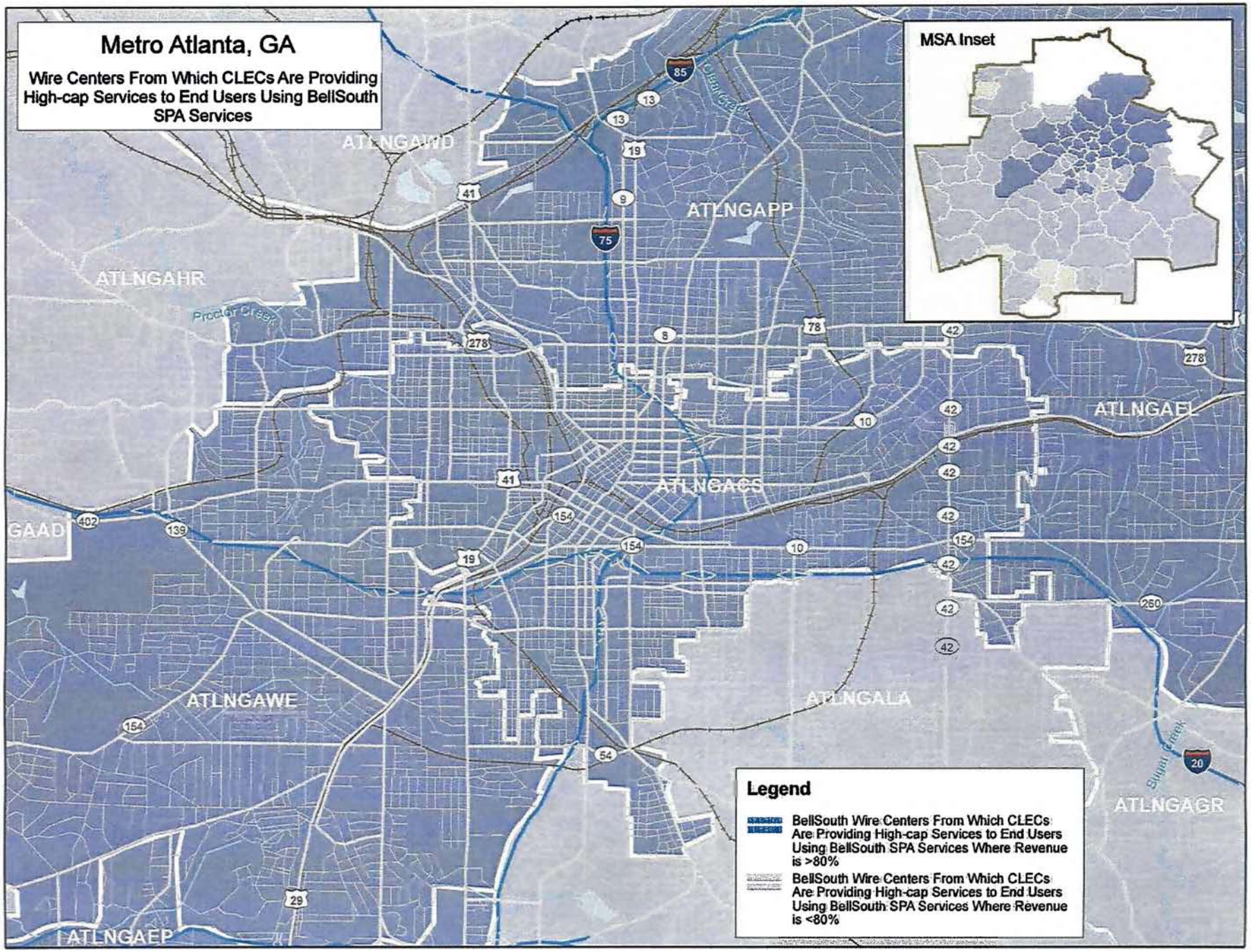

Metro Atlanta, GA
Known CLEC Lit Buildings Served by non-BellSouth Facilities and Those Served by BellSouth SPA Services
MSA Inset
Legend
Known CLEC Lit Buildings Served by non-BellSouth Facilities
Known CLEC Lit Buildings Served by BellSouth SPA Services
BellSouth Service Area
Proctor Creek
Clear Creek
Sugar Creek
ATLNGAHR
ATLNGAEL
ATLNGAGR

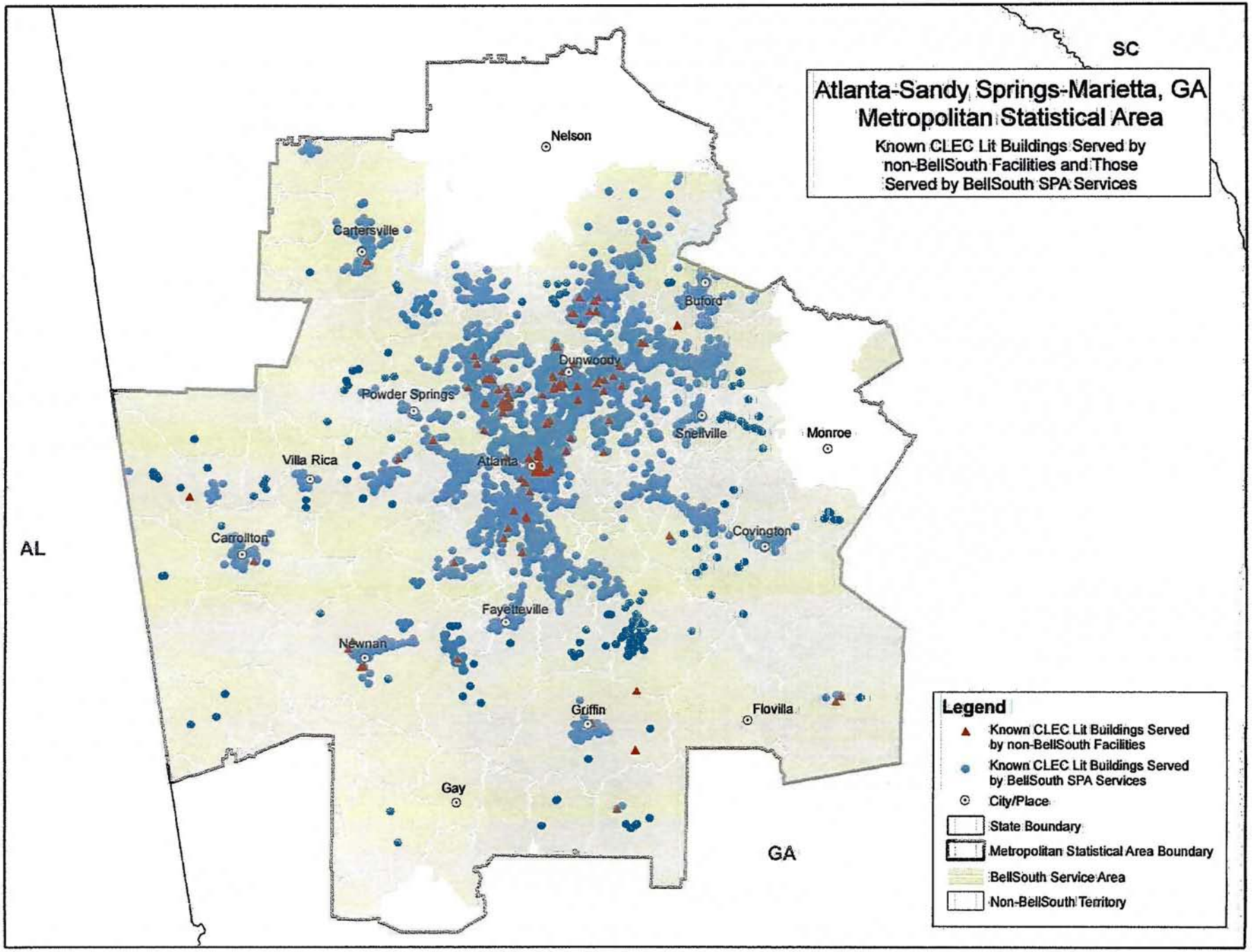

Metro Atlanta, GA
Known CLEC Fiber Routes
Legend
CLEC Fiber Routes
Carrier
CLEC B
CLEC BB
CLEC CC
CLEC D
CLEC DD
CLEC EE
CLEC F
CLEC HH
CLEC KK
CLEC L
CLEC MM
CLEC N
CLEC NN
CLEC O
CLEC P
CLEC QQ
CLEC U
CLEC V
BellSouth Service Area
MSA Inset
ATLNGAWD
ATLNGAHR
ATLNGAGR
ATLNGAWE
ATLNGALA

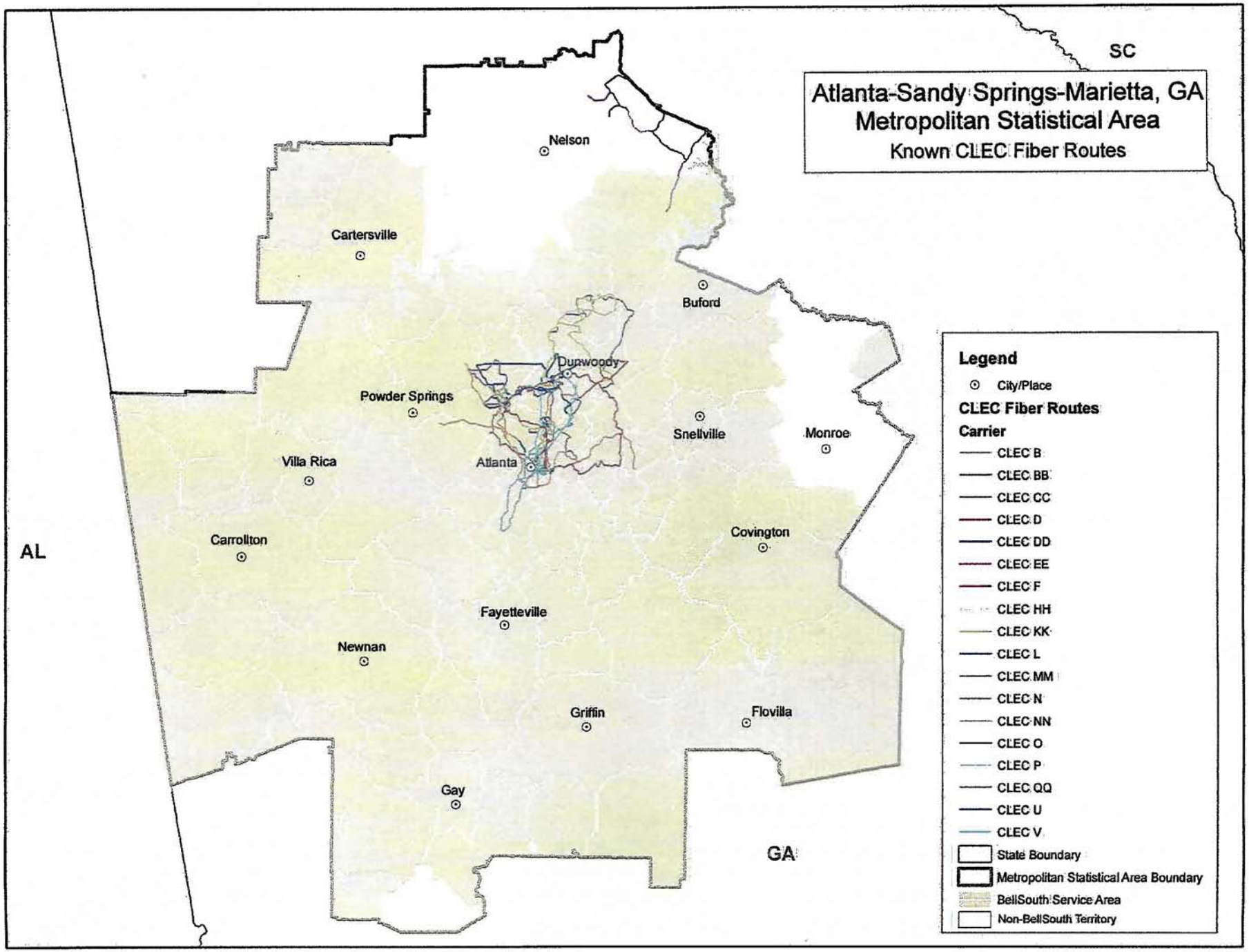

Atlanta-Sandy Springs-Marietta, GA
Metropolitan Statistical Area
Wire Centers in Which CLECs Are Providing
High-cap Services to End Users Using
non-BellSouth Facilities
SC
AL
GA
Nelson
Cartersville
Buford
Dunwoody
Powder Springs
Snellville
Monroe
Villa Rica
Atlanta
Carrollton
Covington
Fayetteville
Newnan
Griffin
Flovilla
Gay
Legend
City/Place
State Boundary
Metropolitan Statistical Area Boundary
BellSouth Wire Centers in Which CLECs Are Providing High-cap Services to End Users Using non-BellSouth Facilities
BellSouth Service Area
Non-BellSouth Territory

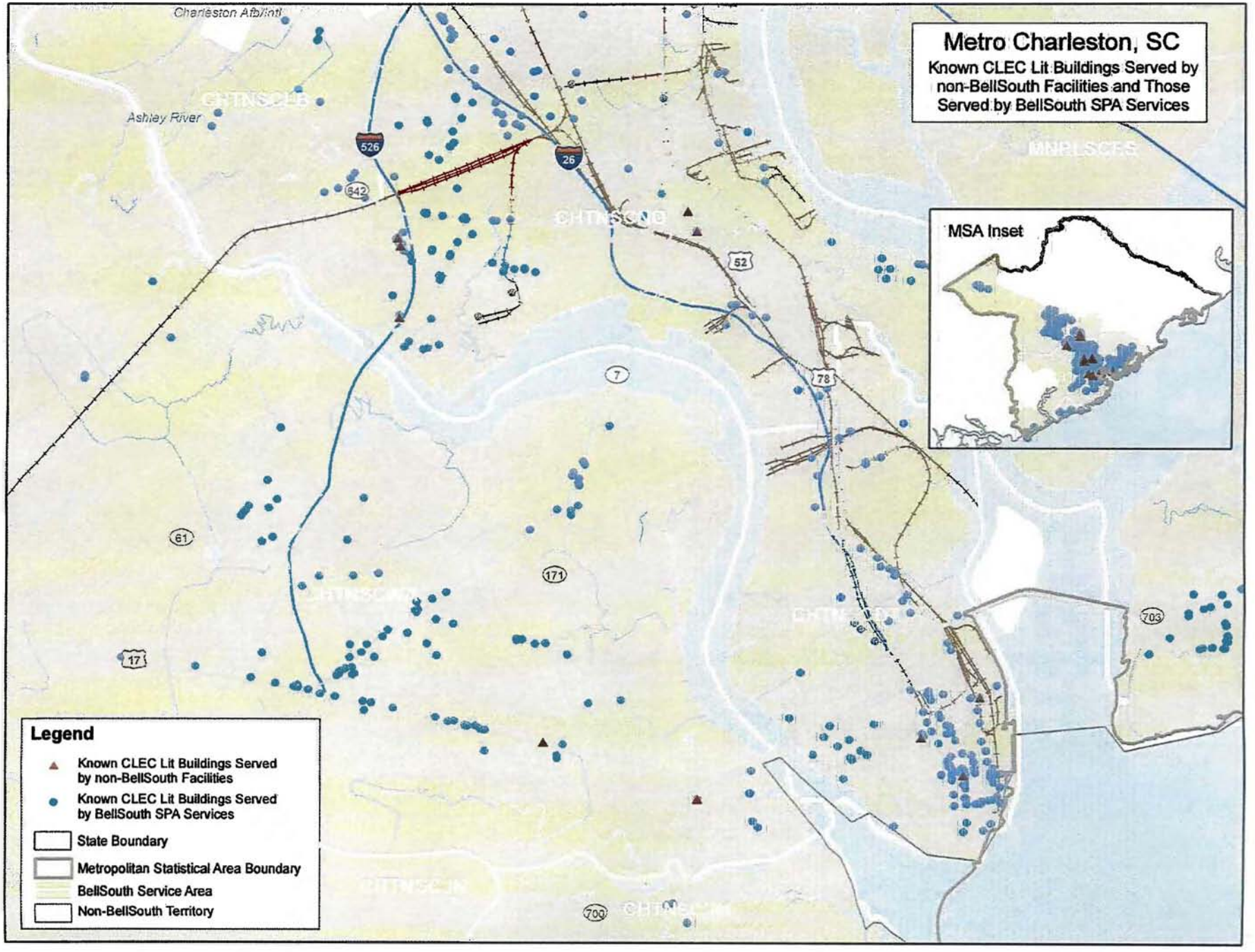

Metro Atlanta, GA
Wire Centers in Which CLECs Are Providing High-cap Services to End Users Using non-BellSouth Facilities
Legend
BellSouth Wire Centers in Which CLECs Are Providing High-cap Services to End Users Using non-BellSouth Facilities
BellSouth Service Area
MSA Inset
ATLNGATH
ATLNGAPP
ATLNGAHR
ATLNGACS
ATLNGAE
ATLNGAWE
ATLNGALA
ATLNGAEP
Peachtree Creek
Proctor Creek


Atlanta-Sandy Springs-Marietta, GA
Metropolitan Statistical Area
Wire Centers From Which CLECs Are Providing High-cap Services to End Users Using BellSouth SPA Services
SC
AL
GA
Nelson
Cartersville
Buford
Dunwoody
Powder Springs
Snellville
Monroe
Villa Rica
Atlanta
Carrollton
Covington
Fayetteville
Newnan
Griffin
Flovilla
Gay
Legend
City/Place
State Boundary
Metropolitan Statistical Area Boundary
BellSouth Wire Centers From Which CLECs Are Providing High-cap Services to End Users Using BellSouth SPA Services Where Revenue is >80%
BellSouth Wire Centers From Which CLECs Are Providing High-cap Services to End Users Using BellSouth SPA Services Where Revenue is <80%
Other BellSouth Service Area
Non-BellSouth Territory


Metro Atlanta, GA
Wire Centers From Which CLECs Are Providing High-cap Services to End Users Using BellSouth SPA Services
MSA Inset
ATLNGAWD
ATLNGAPP
ATLNGAHR
ATLNGAEL
ATLNGACS
GAAD
ATLNGAWE
ATLNGALA
ATLNGAEP
ATLNGAGR
Proctor Creek
Utoy Creek
Sugar Creek
Legend
BellSouth Wire Centers From Which CLECs Are Providing High-cap Services to End Users Using BellSouth SPA Services Where Revenue is >80%
BellSouth Wire Centers From Which CLECs Are Providing High-cap Services to End Users Using BellSouth SPA Services Where Revenue is <80%


Atlanta-Sandy Springs-Marietta, GA
Metropolitan Statistical Area
Known CLEC Lit Buildings Served by
non-BellSouth Facilities and Those
Served by BellSouth SPA Services
SC
AL
GA
Nelson
Cartersville
Buford
Dunwoody
Powder Springs
Snellville
Monroe
Villa Rica
Atlanta
Carrollton
Covington
Fayetteville
Newnan
Griffin
Flovilla
Gay
Legend
Known CLEC Lit Buildings Served by non-BellSouth Facilities
Known CLEC Lit Buildings Served by BellSouth SPA Services
City/Place
State Boundary
Metropolitan Statistical Area Boundary
BellSouth Service Area
Non-BellSouth Territory


Atlanta-Sandy Springs-Marietta, GA
Metropolitan Statistical Area
Known CLEC Fiber Routes
SC
AL
GA
Nelson
Cartersville
Buford
Dunwoody
Powder Springs
Snellville
Monroe
Villa Rica
Atlanta
Carrollton
Covington
Fayetteville
Newnan
Griffin
Flovilla
Gay
Legend
City/Place
CLEC Fiber Routes
Carrier
CLEC B
CLEC BB
CLEC CC
CLEC D
CLEC DD
CLEC EE
CLEC F
CLEC HH
CLEC KK
CLEC L
CLEC MM
CLEC N
CLEC NN
CLEC O
CLEC P
CLEC QQ
CLEC U
CLEC V
State Boundary
Metropolitan Statistical Area Boundary
BellSouth Service Area
Non-BellSouth Territory


Metro Charleston, SC
Known CLEC Lit Buildings Served by non-BellSouth Facilities and Those Served by BellSouth SPA Services
MSA Inset
Charleston Afb/Intl
Ashley River
526
26
642
52
78
7
61
171
17
703
700
Legend
Known CLEC Lit Buildings Served by non-BellSouth Facilities
Known CLEC Lit Buildings Served by BellSouth SPA Services
State Boundary
Metropolitan Statistical Area Boundary
BellSouth Service Area
Non-BellSouth Territory